

Prob12D  
D/NV Form  
Rev. June 2014

United States District Court  
for  
the District of Nevada

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REQUEST FOR HEARING  
TO MODIFY CONDITIONS OR TERMS OF SUPERVISION

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Name of Offender: **Maria Victoriana Rodriguez-Aguilar**

Case Number: **2:14CR00307**

Name of Sentencing Judicial Officer: **Honorable M. James Lorenz**

Date of Original Sentence: **June 9, 2014**

Original Offense: **Importation of Cocaine and Methamphetamine and Aiding and Abetting**

Original Sentence: **Time served, 60 Months TSR.**

Date Supervision Commenced: **June 9, 2014**

Date Jurisdiction Transferred to District of Nevada: **October 27, 2014**

Name of Assigned Judicial Officer: **Honorable Richard F. Boulware**

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PETITIONING THE COURT

The probation officer requests that a summons be issued and a hearing held to modify the conditions of supervision as follows:

1. **Mental Health Treatment** - You shall participate in and successfully complete a mental health treatment program, which may include testing, evaluation, and/or outpatient counseling, as approved and directed by the probation office. You shall refrain from the use and possession of beer, wine, liquor, and other forms of intoxicants while participating in mental health treatment. Further, you shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation office based upon your ability to pay.

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**CAUSE**

By way of case history, On June 9, 2014, Maria Rodriguez-Aguilar was sentenced by the Honorable M. James Lorenz in the Southern District of California for the offenses of Importation of Cocaine and Methamphetamine and Aiding and Abetting. She was sentenced to time served, followed by five (5) years of supervised release. On that same date, Ms. Rodriguez-Aguilar commenced her term of supervised release in the District of Nevada.

On July 5, 2014, Ms. Rodriguez-Aguilar failed to report for her urinalysis. Probation contacted the offender on July 7, 2014, to inquire as to why she had missed her drug test. The offender advised that she had family in town and forgot to call the testing line. Ms. Rodriguez was instructed to report to the office (July 7, 2014).

During the office visit on July 7, 2014, prior to administering the drug test, the offender admitted to using methamphetamine while at a dance club with old friends on July 5, 2014. The offender was verbally admonished and advised that probation will be submitting a violation report to the Southern District of California to request a sanction be imposed of twenty-four (24) hours of community service. The offender was apologetic and stated that she might need more intensive substance abuse treatment.

On July 9, 2014, probation received email correspondence from Liz Carrasco (Choices substance abuse counselor) advising that the offender failed to report for her substance abuse counseling session and had to be rescheduled for July 17, 2014. Mrs. Carrasco advised that the offender contacted her and stated that she had just woke up due to her evening work schedule and was not going to be able to make it to treatment.

On July 20, 2014, the offender failed to report for her urinalysis. Probation made contact with the offender and instructed her to report on July 21, 2014. During the office visit on July 21, 2014, a urinalysis was conducted in which the offender tested negative. The offender advised that she did not call in to see if her color was called. Ms. Rodriguez-Aguilar was verbally admonished for missing her urinalysis on July 20, 2014, and informed that if she misses another urinalysis the Court would be notified.

On July 21, 2014, a report requesting a sanction of 24 hours community service and Transfer of Jurisdiction was submitted to the Southern District of California.

On July, 31, 2014, probation received correspondence from Liz Carrasco stating the offender failed to report for her substance abuse session yet again. Probation contacted the offender to inquire as to why she missed wherein she advised that she mixed her days up. The offender was verbally admonished and instructed to call her counselor and reschedule. The offender's next appointment was scheduled for August 5, 2014.

On August 4, 2014, probation contacted the offender and instructed her to report on August 7, 2014. During the office visit, the undersigned reviewed the offender's conditions wherein she was required to resolve all warrants within 60 days. The offender had several warrants for her

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arrest and failed to make arrangements to resolve them pursuant to the Court's order. The offender proceeded to tell the undersigned that she was not going to handle the warrants or turn herself in. She stated that she could not lose her children again to incarceration. The undersigned informed the offender that she needed to handle the outstanding warrants or punitive action would result for non-compliance.

On August 8, 2014, the offender failed to report for her urinalysis. On August 11, 2014, this missed test was addressed wherein she admitted to not calling the testing line once again. The offender was verbally admonished and instructed to call every day to check to see if her color has been called.

On August 12, 2014, the undersigned received correspondence from Liz Carrasco stating that the offender had failed to report to substance abuse treatment as directed on August 12, 2014. The undersigned contacted the offender and asked why she missed treatment. She stated that she was not feeling well and contacted her doctor. The offender was verbally admonished and instructed that next time she is sick she has to contact her counselor along with the probation office.

On August 21, 2014, the offender missed treatment once again. The offender was very apologetic and stated that she does not mean to miss her appointments.

Due to ongoing violation conduct, the probation believed a higher sanction was warranted and requested that the Southern District of California forego seeking a modification for community service and to simply transfer jurisdiction so her violation conduct could be addressed locally.

While awaiting transfer of jurisdiction the offender has made significant strides and is now in full compliance. The offender's counselor advised the offender is doing well and had made a breakthrough. The offender disclosed a childhood trauma that had been bothering her and needs to be resolved. She believed it may have been the root of some of the non-compliance pertaining to treatment. At which time Mrs. Carrasco requested that treatment and her conditions of supervision be modified to include mental health treatment.

Probation has seen a turnaround in the offender since she started attending treatment on September 2, 2014. The offender has not missed a treatment session since that date and has been compliant. The offender lost her job August 14, 2014; however, she has been actively seeking employment on a full-time basis. In addition, the offender contacted the undersigned and asked that the probation officer accompany her to resolve her warrants that had been outstanding since 2011. On November 4, 2014, her warrants were dismissed and she was sentenced to credit for time served.

The offender has made great strides in correcting her non-compliance. The offender is aware that continued non-compliance in the future may result in a recommendation for punitive action from the Court. The undersigned feels that punitive action at this juncture would not be appropriate based on her recent performance.

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However, what is recommended is a modification to the offender's condition to include mental health treatment. Rodriguez-Aguilar does not oppose the additional services, which will simply be incorporated into her current substance abuse treatment program. Per Your Honor's request, a hearing date has been scheduled for Monday, November 17, 2014, at 10:30 a.m.

I declare under penalty of perjury that the information contained herein is true and correct,

Executed on **November 7, 2014**



Amberleigh K. Valdez  
2014.11.07 16:12:01  
-08'00'

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Jodona L. Brown  
United States Probation Officer

Approved:



Todd J. Fredlund  
2014.11.07 16:04:45  
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Todd J. Fredlund  
Supervisory United States Probation Officer

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***THE COURT ORDERS***

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- ☐ No Action.
- ☐ The issuance of a summons.
- ☒ Other

**IT IS HEREBY ORDERED** that Defendant's supervision be modified to include mental health treatment. Defendant shall participate in and successfully complete a mental health treatment program which may include testing, evaluation, and/or outpatient counseling as approved and directed by the Probation Office. Defendant shall refrain from the use and possession of beer, wine, liquor, and other forms of intoxicants highly participating in mental health treatment. Defendant shall further be required to contribute to the costs of services for such treatment as approved and directed by the probation office, based upon the Defendant's ability to pay.

**IT IS FURTHER ORDERED** that the Defendant's condition prohibiting travel to Mexico is modified so that she may now travel to Mexico so long as she has the prior express approval of the Probation Office.

DATED this 17th day of November, 2014.



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RICHARD F. BOULWARE, II  
United States District Judge